

Message Text

CONFIDENTIAL

PAGE 01 CAIRO 05327 181645Z

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C O N F I D E N T I A L CAIRO 5327

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: EGYPTIAN SAN FRANCISCO CONGEN PREMISES

1. ASHRAF GHORBAL SPOKE TO ME A FEW DAYS AGO IN ALEXANDRIA ABOUT THE PROBLEM THAT HAS APPARENTLY ARISEN IN CONNECTION WITH EGYPTIAN EFFORTS TO RECOVER THEIR SAN FRANCISCO CONGEN PREMISES FROM THE DELANCEY STREET FOUNDATION. GHORBAL RELATED HOW INITIAL LEASE HAS BEEN ENTERED INTO IN 1967, THROUGH AN AGENT, WITH PROPERTY TO BE USED BY A COUPLE AND NO MORE THAN FIVE UNRELATED ADULTS. WHAT EGYPTIANS HAD NOT KNOW, HE INSISTED, WAS THAT THIS GROUP WAS FRONTING FOR THE DELANCEY STREET FOUNDATION AND WERE MUCH DISTURBED TO DISCOVER LATER THAT THEIR PREMISES WERE BEING USED AS A CENTER TO REHABILITATE DRUG ADDICTS. NEIGHBORS IN AREA HAD ALSO COMPLAINED THAT THE DELANCEY FOUNDATION'S USE OF THE PROPERTY VIOLATED ZONING

CODE, AND EGYPTIAN INTERESTS SECTION HAD WRITTEN TO SAN FRANCISCO BOARD OF SUPERVISORS OBJECTING TO A SUGGESTION THAT ZONING REGULATIONS BE CHANGED TO LEGALIZE DELANCEY FOUNDATION'S CONTINUED PRESENCE.

2. ALL EFFORTS TO GET DELANCEY FOUNDATION TO MOVE HAD BEEN UNSUCCESSFUL. HENCE, UPON ADVISE BY STATE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAIRO 05327 181645Z

DEPARTMENT LAWYERS (SO SAID GHORBAL), A LEASE HAD

BEEN ENTERED INTO BETWEEN EGYPT AND DELANCEY STREET FOUNDATION IN 1971 PERMITTING USE FOR ONE YEAR. ALTHOUGH DELANCEY STREET FOUNDATION HAD SOUGHT TO RENEW THE LEASE AT ITS EXPIRATION, EGYPTIANS HAD NOT AGREED. INSTEAD THEY PERMITTED CONTINUED USAGE ON A MONTH BY MONTH BASIS. THE 1971 LEASE STIPULATES CLEARLY THE LESSOR SHALL HAVE ABSOLUTE RIGHT, SUBJECT TO 60-DAY NOTIFICATION, IN WRITING, TO TERMINATE LEASE AT ANY TIME FOR THE PURPOSE OF REOCCUPYING THE PREMISES AS A CONSULATE OR FOR ANY OTHER OFFICE SANCTIONED FOR CONTINUOUS USE BY EGYPTIANS OR ONE OF THEIR AGENCIES. GHORBAL SAID NOTIFICATION HAD BEEN GIVEN TO THE DELANCEY STREET FOUNDATION, PURSUANT TO PROVISIONS OF LEASE, BUT DELANCEY FOUNDATION STILL REFUSES TO MOVE. ON CONTRARY, IT HAS SUGGESTED THAT EGYPTIANS DONATE PROPERTY TO THE FOUNDATION.

3. GHORBAL SAID EGYPTIANS WILL NOT DO THIS. THE NEED THE BUILDING AND WANT IT TO BE IN USE AS EGYPTIAN CONGEN BY THE TIME PRESIDENT SADAT VISITS THE US LATER THIS YEAR. GHORBAL ASKED FOR OUR HELP IN RECOVERING THE PROPERTY, ESPECIALLY, HE REITERATED, SINCE 1971 LEASE HAD BEEN ENTERED INTO AS A RESULT OF STATE DEPT LEGAL COUNSEL. GHORBAL ALSO INDICATED EGYPTIAN CHARGE KHALIL HAD TAKEN UP MATTER WITH ATHERTON AND MATTHEWS ON JULY 10.

4. TODAY AMBASSADOR TUHAMI, HEAD OF NORTH AMERICAN DEPT IN FONMIN, ASKED ME TO CALL TO DISCUSS THE SAME PROBLEM. FREEMAN MATTHEWS AND US DESK OFFICER SHILBAYA ALSO ATTENDED THE MEETING. TUHAMI GAVE ESSENTIALLY THE SAME STORY AS GHORBAL HAD DONE, BUT DID NOT HAVE AS MANY DETAILS. HE ASKED FOR USG HELP IN GETTING PREMISES BACK WITHOUT HAVING TO GO THROUGH JUDICIAL PROCESSES. MATTHEWS NOTED SAN FRANCISCO MAYOR ALIOTO'S REPRESENTATIVE IN WASHINGTON HAD BEEN CONTACTED JULY 10 WITH A REQUEST THAT THE MAYOR BE ASKED TO USE HIS GOOD OFFICES. RESULTS THIS APPROACH NOT KNOWN HERE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAIRO 05327 181645Z

5. TUHAMI ASKED IF THESE EFFORTS ARE UNSUCCESSFUL, COULD USG PROVIDE BUILDING IN SAN FRANCISCO OR COMPENSATE EGYPT FOR THEIR BUILDING TO ENABLE NEW PREMISES TO BE BUILT. I DISCOURAGED ANY SUCH SUGGESTION. WE ASSURED EGYPTIANS, HOWEVER, THAT THE DEPT IS AWARE OF THE PROBLEM AND WILL DO EVERYTHING POSSIBLE WITHIN ITS COMPETENCE TO HELP. TUHAMI ALSO HANDED US AIDE-MEMOIRE WITH A COPY OF THE

1971 LEASE.

6. MATTHEWS TELLS ME THAT 1971 IS TOTALLY DIFFERENT FROM LEASE LEFT WITH HIM BY KHALIL. (I SUSPECT KHALIL MAY ONLY HAVE PROVIDED DRAFT OF RENEWAL OF THE FIRST LEASE ENTERED INTO IN 1967). ASSUME DEPT CAN OBTAIN COPY OF ACTUAL 1971 LEASE FROM EGYPTIAN EMBASSY. IT MIGHT BE USEFUL TO DO SO EXPEDITIOUSLY, HOWEVER, AND PASS IT ON TO MAYOR ALIOTO'S REPRESENTATIVE SO THAT THE 1971 LEASE, EGYPTIANS ARE CLEARLY IN THEIR RIGHT TO TERMINATE DELANCY FOUNDATION'S TENANCY. WHILE I RECOGNIZE MATTER IS PRIMARILY IN CALIFORNIA AND SAN FRANCISCO JURISDICTION, ANY HELP WE CAN GIVE ON THIS WILL BE APPRECIATED.

7. PLEASE KEEP US ADVISED OF DEVELOPMENTS ON THIS MATTER, WHICH AS ADDED IMPORTANCE IN VIEW OF EGYPTIAN DESIRE TO HAVE CONSULATE GENERAL FUNCTIONING IN TIME FOR PRES SADAT'S VISIT LATER THIS YEAR.
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